

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



January 6, 2006

Agenda ID #5244
Quasi-Legislative

TO: PARTIES OF RECORD IN RULEMAKING 99-11-021

This is the draft decision of Administrative Law Judge (ALJ) Walker. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages. Finally, comments must be served separately on the ALJ and the assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ ANGELA K. MINKINAngela K. Minkin, Chief
Administrative Law Judge

ANG:hl2

Attachment

Decision **DRAFT DECISION OF ALJ WALKER** (Mailed January 6, 2006)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**Rulemaking for Purpose of Revising Settlement
Provisions in the Rules of Practice and Procedure.Rulemaking 99-11-021
(Filed November 18, 1999)**ORDER CLOSING PROCEEDING****1. Summary**

Because of the passage of time and because other proceedings may address some or all of the issues in this rulemaking proceeding, this order closes Rulemaking (R.) 99-11-021.

2. Discussion

The Commission instituted this rulemaking on November 18, 1999, proposing to revise its procedural rules governing settlements. The Commission stated that the proposed new rules were intended to be simpler and more flexible in order to encourage settlements. Interested parties were invited to submit comments and reply comments on a draft of the new rules and to participate in a workshop conducted on February 29, 2000.

Comments were filed by Pacific Gas and Electric Company, the Office of Ratepayer Advocates, Southern California Edison Company, The Utility Reform Network, GTE California Incorporated, Aglet Consumer Alliance, Southwest Gas Corporation, Pacific Bell, and the California Cable Television Association. Most of these parties also participated in the February 29, 2000 workshop.

Proposed new rules intended to replace Article 13.5 (Stipulations and Settlements) of the Rules of Practice and Procedure were then developed but not issued. The new rules would have proposed no substantive change in the existing rules or in Commission practice. At this point, formal issuance of the proposed new rules was stayed pending development of other rules that the Assigned Commissioner sought to deal with settlements more substantively. Other more urgent proceedings, including those related to the energy crisis, delayed development of the other rules.

With the passage of time, this docket has become stale and the makeup of the Commission itself has changed entirely. We note also that we are currently in the middle of an Alternative Dispute Resolution pilot program. This program may give us information that will shape our ideas on how the settlement rules should be modified. For all these reasons, this rulemaking docket should be closed. At the same time, we greatly appreciate the work already done by commenters with respect to our earlier draft revisions to the settlement rules in this docket. Under Rule 72 of the Rules of Practice and Procedure, we may notice the record of this rulemaking in any future rulemaking regarding the settlement rules in order that the work to date will not be lost.

3. Comments on Draft Decision

The draft decision of the Administrative Law Judge (ALJ) was mailed to the parties pursuant to Pub. Util. Code § 311(g)(1) and Rule 77.7(b). Comments were filed on ____.

4. Assignment of Proceeding

Michael R. Peevey is the Assigned Commissioner and Glen Walker is the assigned ALJ in this proceeding.

Findings of Fact

1. The Commission instituted this rulemaking on November 18, 1999, to revise its procedural rules governing settlements.
2. Comments were filed by several parties that also participated in a workshop on February 29, 2000.
3. Since that time, this docket has become stale, and an Alternative Dispute Resolution pilot program may present further information with respect to the settlement rules.

Conclusions of Law

1. Because of the passage of time and because other proceedings may address the issues in this rulemaking proceeding, R.99-11-021 should be closed.
2. This order should be made effective immediately.

O R D E R

IT IS ORDERED that Rulemaking 99-11-021 is closed.

This order is effective today.

Dated _____, 2006, at San Francisco, California.